

Tertiary Education Report: Manukau Institute of Technology– council constitution

Date:	10 July 2019	TEC priority:	Medium
Security level:	In Confidence	Report no:	B-19-00819
		Minister's office No:	

ACTION SOUGHT

	Action sought	Deadline
Hon Chris Hipkins Minister of Education	<p>note that to bring into effect staff and student representation on the councils of institutes of technology and polytechnics (ITPs) you, as Minister of Education, must approve a new constitution for each ITP;</p> <p>note the council of the Manukau Institute of Technology has submitted a new constitution, which you establish by publishing a notice in the <i>New Zealand Gazette</i>;</p> <p>note the constitution complies with recent legislative changes;</p> <p>sign the enclosed notice for the <i>New Zealand Gazette</i>; <i>and</i></p> <p>sign and send the enclosed letter to the council Chair informing him of publication.</p>	As soon as practicable
Enclosure: Yes, Appendices A–B A. Notice for the <i>New Zealand Gazette</i> B. Letter to the Chair of Manukau Institute of Technology	Round Robin: No	

CONTACT FOR TELEPHONE DISCUSSION (IF REQUIRED)

Name	Position	Telephone	1st contact
Gillian Dudgeon	Deputy Chief Executive Delivery	Section 9(2)(a)	
Section 9(2)(a)	Principal Advisor, Monitoring and Crown Ownership		✓

THE FOLLOWING DEPARTMENTS/AGENCIES HAVE SEEN THIS REPORT

- DPMC MPI ENZ ERO MBIE MoE MFAT
 MPP MSD NZQA NZTE TEC TPK Treasury

- Minister's Office to Complete:** Approved Declined
 Noted Needs change
 Seen Overtaken by Events
 See Minister's Notes Withdrawn

Comments:

Recommendations

Hon Chris Hipkins, Minister of Education

It is recommended that you:

1. **note** that to bring into effect staff and student representation on the councils of institutes of technology and polytechnics (ITPs) you, as Minister of Education, must approve a new constitution for each ITP;
2. **note** the council of the Manukau Institute of Technology has submitted a new constitution, which will be established by you publishing a notice in the New Zealand Gazette;
3. **note** the constitution complies with recent legislative changes;
4. **sign** the enclosed notice for the New Zealand Gazette;

AGREE / DISAGREE

5. **sign and send** the enclosed letter to the Chair of the Manukau Institute of Technology informing him of publication;

AGREE / DISAGREE

and

6. **agree** that this briefing is publicly released once the constitution has been published in the *New Zealand Gazette*.



Gillian Dudgeon

Deputy Chief Executive, Delivery
Tertiary Education Commission

10 July 2019

Hon Chris Hipkins

Minister of Education

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Purpose

1. This report asks you to:
 - **sign** the draft notice for the *New Zealand Gazette* (Appendix A) to establish the new council constitution for the Manukau Institute of Technology (MIT); *and*
 - **sign** a letter to the council Chair of MIT confirming that you have done so.

Background

2. Under recent amendments to the Education Act 1989 (the Act), if the council of an institution of technology or polytechnic (ITP) provides you with a new constitution, you establish the constitution by publishing a notice in the *New Zealand Gazette*.
3. As Minister, you do not have discretion to decline the new constitution provided that it complies with the legislation and is submitted to you by 24 August 2019.
4. ITP constitutions have just three essential elements: name of the council, date the constitution comes into effect (which is 24 October 2019), and number of council members. No restriction exists on including additional information.

The new constitutions increase council size to allow for staff and student members

5. Amendments to the Act in 2018 (sections 222AA(1) and 222AD(4)) require the council to have between 8 and 10 members and to ensure that–
 - at least one member of the council is a permanent member of the teaching or general staff elected by the teaching and general staff to represent them; OR one member is an elected member of the permanent teaching staff and one member an elected member of the permanent general staff; *and*
 - at least one member is a student who is enrolled in the institution and elected by the students of the institution to represent them.
6. The TEC confirms that the draft constitution for MIT is fully compliant with the legislation.

We need your authority to publish a new constitution

7. The new constitution will be established by your publishing a notice in the *New Zealand Gazette*. We recommend that you publish the notice as soon as practicable.

Next steps

8. If you agree, please sign–
 - Appendix A, which is the notification to be published in the *New Zealand Gazette*; and
 - Appendix B, the letter to Mr Peter Winder, council Chair of MIT, to let him know you are publishing the notice in the *New Zealand Gazette*.

Appendix A: Notice for the New Zealand Gazette

Notice Number: XXXX
Year: 2019
Publication Date: TBD
Page Number: TBD
Title: Constitution of the Manukau Institute of Technology Council Notice 2019

Notice Text: Pursuant to clause 18 of Schedule 1 of the Education Act 1989 (“the Act”), the Minister of Education gives the following notice.

Notice

1. This notice may be cited as the Constitution of the Manukau Institute of Technology Council Notice 2019.
2. This notice comes into force on 24 October 2019.
3. From 24 October 2019, the Council of the Manukau Institute of Technology comprises ten members.
4. The Manukau Institute of Technology Council shall be constituted as follows:
 - a. Four members appointed by the relevant Minister
 - b. Six members appointed by the Council, of whom
 - i. at least one member appointed by the Council will be a permanent member of the general or teaching staff who has been elected by the permanent general and teaching staff to represent them, and
 - ii. one member will be an enrolled student who has been elected by the student body to represent them.
5. Appointments will be made in accordance with the Education Act 1989 and the Manukau Institute of Technology Council statutes.
6. In accordance with the Education Act 1989, the decisions of the Manukau Institute of Technology Council shall not be invalidated by any vacancy in the membership.

Dated at Wellington this day of July 2019.

HON CHRIS HIPKINS Minister of Education

Appendix B: Letter to the Chair of the Manukau Institute of Technology

Mr Peter Winder
Chair
Manukau Institute of Technology

Email: Section 9(2)(a)

Dear Peter

Thank you for providing me with the new constitution agreed by the council of the Manukau Institute of Technology and for sending it to me in good time before the deadline.

In accordance with the Education Act 1989 (Clause 18 of the First Schedule), I confirm that I approve the new constitution of the Manukau Institute of Technology, which I will publish as a notice in the *New Zealand Gazette*. A copy of the signed notice is attached to this letter.

I note the new constitution increases the size of the council to allow for staff and student representation on the council of the Manukau Institute of Technology.

Yours sincerely

Chris Hipkins
Minister of Education

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